

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD M. FORD and SANDY S.
FORD, husband and wife

Plaintiffs

v.

ST. JUDE MEDICAL, LLC, AND ST.
JUDE MEDICAL S.C., INC.,

Defendants.

CIVIL ACTION NO. 3:21-CV-01765

(MEHALCHICK, J.)

ORDER

AND NOW, this 23rd day of September, 2024, for the reasons set forth in the Memorandum Opinion concurrently filed herewith, **IT IS HEREBY ORDERED** that:

The Report and Recommendation of Magistrate Judge Martin C. Carlson ([Doc. 37](#)) is **ADOPTED** as the decision of the Court as more fully explained in the Memorandum Opinion filed concurrently herewith. Plaintiffs' objections to the Report are **OVERRULED**. ([Doc. 40](#)). Defendants' objection that the loss of consortium claim be dismissed without prejudice is **SUSTAINED**. ([Doc. 38](#)). Defendants' motion to dismiss is **GRANTED in part** with respect to the strict liability, breach of an implied warranty, negligence, and loss of consortium claims in Counts I, II, III, and IV. ([Doc. 27](#)). Defendants' motion to dismiss is **DENIED in part** with respect to the breach of an express warranty claim in Count III. ([Doc. 27](#)). Plaintiffs' strict liability and breach of an implied warranty claims are **DISMISSED with prejudice**. ([Doc. 22](#)). Plaintiffs' negligence and loss of consortium claims are **DISMISSED without prejudice**. ([Doc. 22](#)).

s/ Karoline Mehalchick
KAROLINE MEHALCHICK
United States District Judge